

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Dennis M. Cavanaugh  
 : U.S. District Judge  
 :  
 v. : Crim. No. 06-964 (DMC)  
 :  
 HOWARD M. SCHOOR : **ORDER**

This matter having been opened to the Court by the parties on March 18, 2008 (Christopher J. Christie, United States Attorney, by James B. Nobile, Assistant U.S. Attorney, appearing on behalf of the United States, and Justin P. Walder, Esq., appearing on behalf of defendant Howard M. Schoor) for an order under the Speedy Trial Act on 1974 continuing the proceedings and excluding time from computation under the Act; and there being many recordings involving the defendant and/or accomplices and there also being at least approximately 200 boxes of documents and other materials available for the defendant to review in this matter; and the parties having conducted the review of these recordings and documents; and the defendant's counsel having to prepare for and try a complex multi-defendant federal tax fraud case (United States v. Plotkin et al., Crim. No. 05-249 (JLL)) before another court in this District that was scheduled to start on or about February 6, 2008 which (a) matter was under indictment prior to the above-captioned matter and (b) was expected to continue for approximately 12 weeks from the start date; and that matter now having been resolved as to defendant's counsel client on or about February 10, 2008; and defendant

Schoor needing the continuity of his counsel in order to adequately prepare for trial and file motions in the above-captioned matter; and the Court earlier having found that this case was so unusual and complex that it was unreasonable to expect adequate preparation for pretrial proceedings and for the trial itself within the time limits established by the Speedy Trial Act and having entered orders granting continuances of the proceedings and excluding time until May 5, 2008 (the anticipated conference date had United States v. Plotkin proceeded to trial) from calculation under the Speedy Trial Act in light of the case being complex, pursuant to 18 U.S.C. § 3161(h)(8)(B)(ii); and the Court now having found that the above-captioned matter requires the continuity of counsel which had been interrupted by defendant Schoor's counsel's work pretrial in the tax fraud matter detailed above; and the Court further having found that the case remains so unusual and complex that it is unreasonable to expect adequate preparation for pretrial proceedings and for the trial itself within the time limits established by the Speedy Trial Act of 1974; and the Court having concluded that an order granting a continuance of the proceedings and excluding time until the below-referenced trial date from calculation under the Speedy Trial Act of 1974 should be entered to afford defendant Schoor the continuity of his counsel and adequate time to prepare this complex case, pursuant to 18 U.S.C. 3161(h)(8)(B) (ii) & (iv);


and the parties having consented to the entry of such order; and for good cause shown,

It is on this 26 day of March 2008,

ORDERED that the following briefing schedule be established: (1) defendant's pretrial motions are due on May 26, 2008; (2) the Government's opposition is due on June 9, 2008; and (3) the defendant's response is due on June 16, 2008, with an argument date to be scheduled by the Court; and it is further

ORDERED that the trial in this matter be scheduled for September 16, 2008 at 9:00 a.m.; and it is further

ORDERED that the time period from the date of this order to the trial date shall be excluded in computing time under the Speedy Trial Act of 1974.

  
HON. DENNIS M. CAVANAUGH  
United States District Judge